

IN SENATE OF THE UNITED STATES.

MAY 15, 1838.

Submitted, and ordered to be printed.

Mr. CRITTENDEN submitted the following

REPORT:

*The Committee on Revolutionary Claims have, according to the order of the Senate, had under consideration the petition of the heirs of James Caldwell, praying indemnity for losses sustained by their ancestor during the revolutionary war, and respectfully report:*

That, from the petition and accompanying documents, it appears that James Caldwell, the ancestor of the petitioners, a citizen of the State of New Jersey, was, during the war of the revolution, engaged in the service of the United States, first as a chaplain to a regiment of militia, and afterwards as a commissary of supplies.

The British troops, in one of their incursions into that State, took possession of a place called Connecticut Farms, where James Caldwell then resided, and there perpetrated one of those outrages which too often marked their warfare in that contest. The wife of Caldwell was shot by a British soldier as she sat in her house, in the midst of her children, and the place was given up to plunder and conflagration. The house of Caldwell, among others, was burned up; and for this loss the petitioners now seek an indemnification from the Government.

If the misfortunes of their ancestor, or his merits as a man and a patriot, could entitle the petitioners to the relief prayed for, their claim would perhaps be unquestionable; but the committee do not feel themselves warranted in awarding a pecuniary compensation on such grounds. The circumstances of this case show that the loss complained of was occasioned by a lawless, incendiary act of the common enemy, contrary to the rules of civilized warfare. In such cases this Government is not considered as being under any *obligation* to indemnify the sufferers, and on that ground the committee would feel itself constrained to decide against the petitioners, without entering into considerations of the impolicy of opening a door, at this late day, to such a class of claims.

The committee, therefore, respectfully submit the following resolution:

*Resolved*, That the petition be rejected.

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MAY 15, 1858.

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Mr. CRITTENDEN submitted the following

REPORT:

The Committee on Revolutionary Claims have, according to the order of the Senate, had under consideration the petition of the heirs of James Caldwell, praying indemnity for losses sustained by their ancestor during the revolutionary war, and respectfully report:

That from the petition and accompanying documents it appears that James Caldwell, the ancestor of the petitioners, a citizen of the State of New Jersey, was during the war of the revolution, engaged in the service of the United States, first as a chaplain to a regiment of militia, and afterwards as a commissary of supplies.

The British troops, in one of their incursions into that State, took possession of a place called Connecticut Farms, where James Caldwell then resided, and there perpetrated one of those outrages which too often marked their warfare in that contest. The wife of Caldwell was slain by a British soldier as she sat in her house in the midst of her children, and the place was given up to plunder and conflagration. The house of Caldwell, among others, was burned up; and for this loss the petitioners now seek an indemnification from the Government.

If the descendants of their ancestor, or his heirs as a man and a patriot, could entitle the petitioners to the relief prayed for their claim would perhaps be unquestionable; but the committee do not feel themselves warranted in awarding a pecuniary compensation on such grounds. The circumstances of this case show that the loss complained of was occasioned by a lawless, unnecessary act of the common enemy, contrary to the rules of civilized warfare. In such cases this Government is not considered as being under any obligation to indemnify the victims, and on that ground the committee would feel itself constrained to decide against the petitioners without entering into considerations of the impolicy of opening a door at this late day, to such a class of claims.

The committee therefore respectfully submit the following resolution:

Resolved, That the petition be rejected.

Blair & Rives, printers.